

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS S. LEE,)	3:11-cv-00856-LRH-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	March 26, 2012
)	
LORI HARRIS,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court are petitioner Thomas S. Lee's Motion to Request Referral to Federal Public Defender (Doc. #18) and Application for Leave to Proceed *in forma pauperis* (Doc. #22). Respondents Lori Harris and Internal Revenue Service, and interested party the United States of America, have not filed responses.

The court denies Mr. Lee's Motion to Request Referral to a Federal Public Defender (Doc. #18). The Criminal Justice Act of 1964 ("CJA"), 18 U.S.C. § 3006A, created the office of Federal Public Defenders and provides that representation shall be provided to any financially eligible person who is charged with a crime. This is a civil case, brought by Mr. Lee, who has not been charged with any crime. As a result, Mr. Lee's request for a referral for to a Federal Public Defender is inappropriate because his case does not involve criminal matters.

The court also denies Mr. Lee's Application for Leave to Proceed *in forma pauperis* (Doc. #22). Under 28 U.S.C. § 1915, the central question is whether the party requesting to proceed *in forma pauperis* can continue without undue hardship. Mr. Lee has failed to demonstrate that undue hardship would result. Mr. Lee's application states that Mr. Lee's annual income is approximately \$16,000.00. (*See id.*) Additionally, his application states that he owns three cars. (*Id.*) Given his financial circumstances, the court cannot conclude that requiring Mr. Lee to pay court costs would result in undue hardship.

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IT IS THEREFORE ORDERED that Mr. Lee's Motion to Request Referral to Federal Public Defender (Doc. #18) is **DENIED**. IT IS FURTHER ORDERED that Mr. Lee's Application for Leave to Proceed *in forma pauperis* (Doc. #22) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____
Deputy Clerk